

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST  
FOR REVIEW BY:

**DENETRIA ADAMS,**

Petitioner.

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CHARGE NO.: 2008CF3233  
EEOC NO.: 21BA82008  
ALS NO.: 09-0741

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners David Chang, Marylee V. Freeman, and Charles E. Box presiding, upon Denetria Adams's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")<sup>1</sup> of Charge No. 2008CF3233; and the Commission having reviewed all the pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** for the following ground:

**LACK OF JURISDICTION**

In support of which determination the Commission states the following findings of fact and reasons:

1. On May 5, 2008, the Petitioner filed a charge of discrimination with the Respondent. She alleged her employer, MV Transportation, Incorporated ("Employer"), discharged her on January 14, 2008, because of her disability, Lumbar IVD Displacement, in violation of § 2-102(A) of the Illinois Human Rights Act (the "Act"). On January 14, 2009, the Respondent dismissed the Petitioner's charge for Lack of Jurisdiction. On December 23, 2009, the Petitioner filed this timely Request.
2. On January 14, 2008, the Employer discharged the Petitioner from her position as a bus operator.
3. In her charge the Petitioner alleged the Employer told her she was being discharged because she had signed a settlement agreement with the Employer. However, the Petitioner contends

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<sup>1</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

she was actually discharged because of her disability, Lumbar IVD Displacement, which the Petitioner alleged was a back disorder.

4. When the Petitioner filed her charge of discrimination with the Respondent, the Respondent provided the Petitioner with a medical questionnaire. The Petitioner was required to have her physician complete the medical questionnaire and return the completed medical questionnaire to the Respondent.
5. The Petitioner's physician completed the medical questionnaire on December 8, 2008, and subsequently returned the completed medical questionnaire to the Respondent. The physician stated on the medical questionnaire that the Petitioner's Lumbar IVD Displacement condition was transitory, and that the Petitioner's condition was not significantly disfiguring or debilitating. Based on the physician's answers, the Respondent determined it lacked jurisdiction to investigate the Petitioner's charge because the Petitioner was not disabled within the meaning of the Act.
6. In her Request the Petitioner argues that she is disabled because her back condition can only be treated but cannot be cured. The Petitioner states she continues to have back pain. The Petitioner attached to her Request a document from her physician dated October 26, 2005, which appears to be a diagnosis or description of her medical condition.
7. In its Response, the Respondent asks the Commission to sustain the dismissal of the Petitioner's charge for lack of jurisdiction because the Petitioner failed to meet her burden of proving that she was disabled within the meaning of the Act at the time of her discharge.

### ***Conclusion***

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for lack of jurisdiction.

Pursuant to 56 Ill. Admin. Code, Ch. II, § 2500.20, conditions which are transitory and insubstantial, and which are not significantly debilitating or disfiguring are not considered disabilities within the meaning of the Act.

The Petitioner's own physician stated that the Petitioner's Lumbar IVD Displacement condition was transitory, and that it was not significantly disfiguring or debilitating. Based on this diagnosis, the Respondent correctly concluded that the Petitioner was not disabled within the meaning of the Act.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

The Respondent's dismissal of the charge is **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and MV transportation, Inc. as Respondents with the clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS                     )  
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HUMAN RIGHTS COMMISSION        )

**Entered this 14<sup>th</sup> day of July 2010.**

Commissioner David Chang

Commissioner Marylee V. Freeman

Commissioner Charles E. Box